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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA
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8 JOHN TURNER,
9 Plaintiff,

Case No. 2:14-cv-163-JAD-GWF

10 v.

ORDER

11 LAW LIBRARY et al.,
12 Defendants.
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15 **I. DISCUSSION**

16 On April 21, 2014, this Court issued a screening order dismissing Plaintiff's complaint
17 with prejudice in its entirety for failure to state a claim. (Doc. No. 11 at 4, 6). The Court found
18 that Plaintiff had failed to state a claim for denial of access to the courts because such a cause
19 of action only applied to non-frivolous direct criminal appeals, habeas corpus proceedings, and
20 42 U.S.C. § 1983 actions. (*Id.* at 4). However, in Plaintiff's complaint, he had alleged the
21 denial of access to the courts based on his small claims lawsuits in justice court. (*Id.* at 3).
22 Specifically, Plaintiff alleged that he could not file for defaults in his small claims lawsuits
23 because of the law library staff's negligence. (*Id.*).

24 On May 6, 2014, Plaintiff filed a motion to reconsider. (Doc. No. 14 at 1). Plaintiff
25 argues that he "stated to this Court in [his] amended complaint that [his] defaults were not filed"
26 and that he had stated a claim in his complaint. (*Id.* at 1-2).
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1 A motion to reconsider must set forth "some valid reason why the court should
2 reconsider its prior decision" and set "forth facts or law of a strongly convincing nature to
3 persuade the court to reverse its prior decision." *Frasure v. United States*, 256 F.Supp.2d
4 1180, 1183 (D. Nev. 2003). Reconsideration is appropriate if this Court "(1) is presented with
5 newly discovered evidence, (2) committed clear error or the initial decision was manifestly
6 unjust, or (3) if there is an intervening change in controlling law." *Sch. Dist. No. 1J v. Acands,*
7 *Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). "A motion for reconsideration is not an avenue to
8 re-litigate the same issues and arguments upon which the court already has ruled." *Brown v.*
9 *Kinross Gold, U.S.A.*, 378 F.Supp.2d 1280, 1288 (D. Nev. 2005).

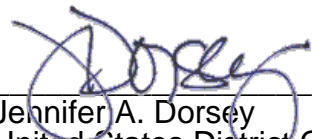
10 The Court denies Plaintiff's motion for reconsideration. Plaintiff reiterates that his denial
11 of access claim is based on his inability to file defaults in small claims court. Plaintiff has not
12 demonstrated that the law library staff caused him actual injury in his ability to file documents
13 in non-frivolous direct criminal appeals, habeas corpus proceedings, or § 1983 actions. See
14 *Lewis v. Casey*, 518 U.S. 343, 353 n.3, 354-55 (1996).

15 **II. CONCLUSION**

16 For the foregoing reasons,

17 **IT IS ORDERED** that the motion for reconsideration (Doc. No. 14) is **DENIED**.

18 Dated: May 12, 2014.

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22 Jennifer A. Dorsey
23 United States District Court Judge
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